

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF IOWA  
WESTERN DIVISION**

UNITED STATES OF AMERICA,

Plaintiff,

vs.

JOSE ORTIZ-MARTINEZ, a/k/a Jose  
Antonio Arellano,

Defendant.

No. CR04-4118-MWB

**ORDER ACCEPTING MAGISTRATE  
JUDGE'S REPORT AND  
RECOMMENDATION REGARDING  
DEFENDANT'S MOTION TO  
DISMISS**

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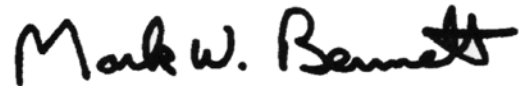
On December 9, 2004, an indictment was returned against defendant Jose Ortiz-Martinez, charging defendant with conspiring to distribute 500 grams or more of methamphetamine, in violation of 21 U.S.C. §§ 841(a)(1), 841(b)(1)(A), and 846, and possessing with intent to distribute 50 grams or more of methamphetamine, in violation of 21 U.S.C. § 841(a)(1) and 841(b)(1)(B). On April 14, 2005, defendant appeared before United States Magistrate Judge Paul A. Zoss and entered a plea of guilty to Counts 1 and 3 of the indictment. On this same date, Judge Zoss filed a Report and Recommendation in which he recommended that defendant's guilty plea be accepted. No objections to Judge Zoss's Report and Recommendation were filed. On May 5, 2005, the court accepted Judge Zoss's Report and Recommendation of April 14, 2005, and accepted defendant's plea of guilty in this case to Counts 1 and 3 of the indictment.

Defendant filed a motion to dismiss prior to pleading guilty (#27). Judge Zoss filed a report and recommendation in which he recommended that defendant's motion to dismiss be denied. No objections to Judge Zoss's Report and Recommendation were filed. In light of defendant's guilty plea, defendant's motion to dismiss is **denied** as moot. In the alternative, it appears to the court upon review of Judge Zoss's findings and conclusions,

that there is no ground to reject or modify them, and the court accepts Judge Zoss's Report and Recommendation of March 7, 2005, and denies defendant's motion to dismiss.

**IT IS SO ORDERED.**

**DATED** this 8th day of July, 2005.

A handwritten signature in black ink that reads "Mark W. Bennett". The signature is written in a cursive style with a horizontal line underneath the name.

MARK W. BENNETT  
CHIEF JUDGE, U. S. DISTRICT COURT  
NORTHERN DISTRICT OF IOWA